

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:15-CR-00257-KJD-CWH

V.

## ORDER

FRANCISCO ACOSTA,

Defendant.

Presently before the Court is Defendant's Motion to Continue Trial (#33). The Government filed a response in opposition (#34). On September 9, 2015, Defendant was indicted (#1) with one count of "Felon in Possession of a Firearm". Since that date, this action has been continued six (6) times.

Now, Defendant moves to continue this action indefinitely. Defendant is facing murder charges in state court. Defendant will not be pleading guilty to the state charges and trial is currently set for December 4, 2017. Given the multiple defendants and pending motions in the state court case, there is a likelihood that the state case may be continued past the current state trial setting. Defendant's tactical interest in delaying prosecution does not trump society's interest in a prompt trial. See Barker v. Wingo, 407 U.S. 514, 519-22 (1972)(recognizing the conflict between society's interest in a speedy trial and interests of the accused). Here, the Court does not find that a

1 continuance is necessary to safeguard Defendant's constitutional rights. Good cause lacking, the  
2 motion to continue is denied.

3 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Continue Trial (#33) is  
4 **DENIED.**

5 DATED this 28<sup>th</sup> day of April 2017.

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10 Kent J. Dawson  
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12 United States District Judge  
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